

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

MAR 06 2000

FILED

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)
PETITIONER,)
VS.)
WILLIAM F. WYLIE,)
RESPONDENT.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
RECOMMENDED ORDER AND
ORDER

CAUSE NO. A-1392

AUG 09, 2000 ACCT# 8521 \$225.00
NO-INVOICE 507-58-1708 TRAN# 765025
WYLIE, WILLIAM F

This matter came on for hearing on the 24th day of February, 2000, before Linda Sanchez-Masi, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by Jennifer Stehlik Ladman, senior certified law student authorized to represent the Department, and Eric Dunning, supervising attorney for the Department. William F. Wylie, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance agent whose current registered address with the Department is Bill Wylie Agency, 427 Main Street, Plattsmouth, Nebraska 68048.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

3. The Petition and Notice of Hearing were served upon the Respondent by mailing the same to his address of record by certified mail, return receipt requested. The Petition and Notice of Hearing with the return receipt was delivered to Respondent on or about February 12, 2000, as evidenced by Exhibit #1.

4. On or about October 29, 1999, Jeanette R. McArthur, an Insurance Investigator of the Consumer Affairs Division, wrote the Respondent requesting that he provide the Nebraska Department of Insurance with an explanation regarding a complaint that had been filed against him with the Department. This letter was received at the Respondent's registered business address, as evidenced by Exhibit #4.

5. Respondent failed to respond to the Department.

6. On or about November 24, 1999, Christine R. Curtis, the Administrator of the Consumer Affairs Division, wrote Respondent at his registered business address requesting a response to the previous correspondence. This letter was returned to the Department unclaimed as evidenced by Exhibit #3.

7. Respondent failed to respond to the Department.

8. On or about December 29, 1999, Barbara Ems, an Insurance Investigator of the Consumer Affairs Division, wrote the Respondent at his registered residential and business addresses via first class mail, requesting a response to previous correspondence. These letters were not returned to the Department as undeliverable as evidenced by Exhibit #5.

9. Respondent failed to respond to the Department.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001 et seq.

2. The Department has personal jurisdiction over Respondent.
3. The Respondent violated Neb.Rev.Stat. §44-4028(17).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that: (1) Respondent pay an administrative fine in the amount of \$450.00; and (2) Respondent provide a response to Department of Insurance inquiries. It is further recommended that if full payment of the administrative fine and the response to Department inquiries are not received on or before 30 days from the date the Director signs this Order, grounds shall exist for a hearing to be called wherein Respondent shall show cause why his Nebraska resident insurance agent's license shall not be revoked.

Dated this 6th day of March, 2000.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order, and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. William F. Wylie, Cause No. A-1392.

Dated this 6th day of March, 2000.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at Bill Wylie Agency, 427 Main Street, Plattsmouth, Nebraska 68048 by certified mail, return receipt requested on this 10th day of March, 2000.

